

## BROOKS, PIERCE, McLENDON, HUMPHREY &amp; LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

MAILING ADDRESS  
POST OFFICE BOX 1800  
RALEIGH, N.C. 27602OFFICE ADDRESS  
SUITE 1600  
FIRST UNION CAPITOL CENTER  
150 FAYETTEVILLE STREET MALL  
RALEIGH, N.C. 27601TELEPHONE (919) 839-0300  
FACSIMILE (919) 839-0304

EX PARTE OR LATE FILED

HENRY E. FRYE  
OF COUNSELJ. LEE LLOYD  
SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1873-1958)  
W.H. HOLDERNESS (1804-1888)  
L.P. McLENDON (1890-1968)  
KENNETH M. BRIN (1898-1974)  
C.T. LEONARD, JR. (1878-1963)  
CLAUDE C. PIERCE (1913-1988)  
THORNTON H. BROOKS (1918-1988)  
S. NEIL DANIELS (1911-1997)GREENSBORO OFFICE  
2000 RENAISSANCE PLAZA  
230 NORTH ELM STREET  
GREENSBORO, N.C. 27401WASHINGTON OFFICE  
901 PENNSYLVANIA AVENUE, N.W.  
SUITE 900, SOUTH BUILDING  
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

WRITER'S EMAIL ADDRESS  
RUEHNER@BROOKSPIERCE.COM

RECEIVED

APR 30 2003

Federal Communications Commission  
Office of Secretary

April 30, 2003

L.P. McLENDON, JR.  
HUBERT HUMPHREY  
EDGAR B. FISHER, JR.  
W. ERWIN FULLER, JR.  
JAMES T. WILLIAMS, JR.  
WADE H. HARGROVE  
M. DANIEL McGINN  
MICHAEL D. MECKER  
WILLIAM G. McNAIR  
EDWARD C. WINSLOW III  
HOWARD L. WILLIAMS  
GEORGE W. HOUSE  
WILLIAM P.H. CARY  
REID L. PHILLIPS  
ROBERT A. SINGER  
JOHN H. SMALL  
RANDALL A. UNDERWOOD  
S. LEIGH RODENBOUGH IV  
MARK J. PRAK  
JILL R. WILSON  
NARC D. BISHOP  
JIM W. PHILLIPS, JR.  
MACK SPERLING  
JEFFREY E. OLEYNIAK  
MARK DAVIDSON  
JOHN W. ORMAND III  
ROBERT J. KING III  
V. RANDALL TINSLEY  
S. KYLE WOOSLEY  
FORREST W. CAMPBELL, JR.  
MARCUS W. TRATHEN  
JEAN C. BROOKS  
JAMES C. ADAMS IIALLISON M. GRIMM  
ELIZABETH S. BREWINGTON  
H. ARTHUR BOLICK II  
J. EDWIN TURLINGTON  
JOHN M. CROSS, JR.  
JENNIFER K. VAN ZANT  
KATHLEEN M. THORNTON  
KEARNS DAVIS  
DAVID W. SAR  
BRIAN J. McMILLAN  
NATALIE KAY SANDERS  
DAVID KUSHNER  
DEREK J. ALLEN  
ELIZABETH V. LAFOLLETTE  
GINGER E. SHIELDS  
COE W. RAMSEY  
ROBERT W. SAUNDERS  
JENNIFER T. HARROD  
CHARLES E. COBLE  
JOHN M. DEANGELIS  
CLINTON R. PINYAN  
KATHRYN V. PURDOM  
JENNIFER L. DAVIS  
STEPHEN G. HARTZELL-JORDAN  
JESSICA M. MARLIZ  
TERESA DELDATCH BRYANT  
ELIZABETH TAYLOR McHAFFEY  
ANDREW J. HAJLE  
J. BENJAMIN DAVIS  
CAROLINE R. HEIL  
KATHERINE A. MURPHY  
SARA R. VIZITHUMMarlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20544Re: **Ex Parte Notification**  
**2002 Biennial Regulatory Review—Review of the Commission's**  
**Broadcast Ownership Rules and Other Rules Adopted Pursuant to**  
**Section 202 of the Telecommunications Act of 1996**  
**MB Docket No. 02-277**  
**MM Docket No. 01-235**  
**MM Docket No. 01-317**  
**MM Docket No. 00-244**

Dear Ms. Dortch:

This is an *ex parte* notification filed pursuant to Section 1.1206 of the Commission's Rules.

On April 29, 2003, Mark J. Prak and the undersigned, on behalf of Hearst-Argyle Television, Inc. ("Hearst-Argyle"), met with Robert Ratcliffe, Deputy Bureau Chief; Paul Gallant, Special Advisor; Jerry Duvall, Chief Economist; Judith Herman, Assistant Division Chief; and Erin Dozier of the Media Bureau.

Marlene H. Dortch

April 30, 2003

Page 2

The purpose of the meeting was to discuss the local television ownership rule proposal of Hearst-Argyle as it relates to the above proceedings. Mr. Prak and Mr. Kushner explained the mechanics of Hearst-Argyle's proposal, how the proposal was derived from and supported by antitrust case law and analysis, and responded to questions. In addition, Mr. Prak and Mr. Kushner provided copies of the following cases: *Consolidated Gold Fields, PLC v. Anglo Am. Corp. of South Africa Ltd.*, 713 F. Supp. 1479 (S.D.N.Y. 1989); *Consolidated Gold Fields PLC v. Minorco, S.A.*, 871 F.2d 252 (2d Cir. 1989); *FTC v. Cardinal Health, Inc.*, 12 F. Supp. 2d 34 (D.D.C. 1998); *FTC v. Swedish Match*, 131 F. Supp. 2d 151 (D.D.C. 2000); *H.L. Hayden Co. of New York, Inc. v. Siemens Med. Sys., Inc.*, 879 F.2d 1005 (2d Cir. 1989); *Mid-Nebraska Bancshares, Inc. v. Board of Governors of Fed. Reserve Sys.*, 627 F.2d 266 (D.C. Cir. 1980); *United States v. Philadelphia Nat'l Bank*, 374 U.S. 321 (1963).

An original and seven copies of this letter are being filed with the Secretary with additional copies delivered to each person who participated in the meeting.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,



David Kushner

cc: Robert Ratcliffe  
Paul Gallant  
Jerry Duvall  
Judith Herman  
Erin Dozier